

REMARKS

I. Status of Application

Claims 1-29 are all the claims pending in the application. Claims 1-29 have been rejected.

II. Formalities

The Examiner has indicated that the drawings filed on April 20, 2006 have been accepted.

The Examiner has considered all the references cited with the Information Disclosure Statements filed on April 20, 2006 and July 8, 2008, respectively.

The Examiner has acknowledged the claim for priority and has indicated that all the certified copies of the priority documents have been received.

III. Double Patenting Rejections

Claims 1-23 and 25 are rejected on the grounds of nonstatutory obviousness-type double patenting as allegedly being unpatentable over claims 1-3 and 11 of U.S. 7,347,524. Without conceding to the Examiner's rejections, Applicant files herewith a Terminal Disclaimer, thereby rendering the above rejections moot.

The submission of the Terminal Disclaimer is not intended as an admission that the claims of the patent applied by the Examiner are substantively sufficient to support the Examiner's rejection. Applicant does not waive any right to take alternative action in the future and notes that the filing of the present Terminal Disclaimer does not constitute an admission that the rejected claims would have been obvious over respective claims in the cited patent. As emphasized in Quad Environmental Technologies Corp. v. Union Sanitary District, 20 USPQ2D 1392, 1394 (Fed. Cir.

1991), “the filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection.” Therefore, Applicant respectfully requests that the above double patenting rejections be reconsidered and withdrawn.

IV. Claim Rejections Under 35 U.S.C. § 101

Claim 27 is rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully traverses this rejection.

Without conceding to the merits of the Examiner’s rejection, Applicant has amended claim 27, as set forth above, to recite “A medium on which a test pattern is printed...” Applicant submits that amended claim 27 satisfies the requirements of 35 U.S.C. § 101 and respectfully requests that the Examiner withdraw this rejection.

V. Claim Rejections Under 35 U.S.C. § 112

Claims 7 and 24 are rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. Applicant respectfully traverses these rejections.

Nevertheless, without conceding to the merits of the Examiner’s rejections, claims 7 and 24 have been amended, as set forth above, and submits that in view of such amendments, the Examiner’s rejections of claims 7 and 24 are now moot.

VI. Claim Rejections Under 35 U.S.C. § 102

Claims 1-6, 15-23 and 25-29 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,354,688 to Inoue (hereinafter “Inoue”). Applicant respectfully traverses these rejections.

Nevertheless, without conceding to the merits of the Examiner's rejections, claim 1 has been amended, as set forth above, to recite (among other things):

...obtaining correction values that
respectively correspond to the lines by measuring
a darkness of the correction pattern line by
line;

storing the correction values for the lines,
respectively...

The above amendments are adequately supported by the originally filed specification and no new matter has been added.

The grounds of rejection allege that the different gradation values calculated in Inoue correspond to correction values, as claimed. Applicant respectfully disagrees with the grounds of rejection.

Claim 1 requires the features of obtaining correction values that respectively correspond to the lines. Claim 1 further requires the features of storing the correction values for the lines, respectively. These features of claim 1 are completely different than the alleged "correction values" calculated in Inoue.

For example, the alleged "correction values" of Inoue that are relied upon by the grounds of rejection respectively correspond to the nozzles and do not correspond to the lines as claimed. To this effect, Inoue discloses that "eight gradations of each raster are calculated" and that "the density correction table of each raster (that is to say, the density correction table for each nozzle) is formed by the density correction table preparing unit 24" (column 8, lines 64-65; column 7, lines 57-59).

By way of illustration, according to Inoue, in a case where Nozzle #1 is used to form line #1 and line #100, the same alleged “correction value” of Inoue that corresponds to Nozzle #1 is used for correcting both line #1 and line #100.

However, in sharp contrast to Inoue, according to exemplary embodiments of the invention recited in amended claim 1, even in the case where Nozzle #1 is used to form line #1 and line #100, a first correction value that corresponds to line #1 is used for correcting line #1, and a second correction value is used for correcting line #100, and the correction value that corresponds to line #1 may be different from the correction value that corresponds to line #100.

Thus, exemplary embodiments according to claim 1 achieve numerous advantages over the cited Inoue reference. For example, turning back to the above illustration, since a darkness of line #1 (in the case where line #1 is formed with Nozzle #1) is different from a darkness of line #100 (in the case where line #100 is formed with Nozzle #1), due to the state of the paper, e.g., the extent of bending of the paper, the darkness is more precisely corrected by exemplary embodiments according to claim 1 than the cited Inoue reference.

Therefore, *at least* in view of the above described distinctions, Applicant respectfully submits that claim 1 is not anticipated by Inoue. Further, the dependent claims 2-6, 15-23 and 28-29 are patentable *at least* by virtue of their dependency. As such, Applicant respectfully requests that the Examiner withdraw these rejections.

In view of the similarity between the requirements of claims 25-27 and the requirements discussed above with respect to independent claim 1, Applicant respectfully submits that arguments analogous to the foregoing arguments as to the patentability of independent claim 1 demonstrate the patentability of claims 25-27. As such, it is respectfully submitted that claims 25-27 are patentably distinguishable over the cited Inoue reference *at least* for reasons analogous

to those presented above. Thus, the allowance of these claims is respectfully solicited of the Examiner.

VII. Claim Rejections Under 35 U.S.C. § 103

Claims 7 and 10-14 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue in view of U.S. Patent Publication No. 2002/0175962 to Otsuki (hereinafter “Otsuki”). Claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue, in view of Otsuki, and further in view of U.S. Patent No. 6,692,097 to Arima (hereinafter “Arima”). Claim 17 is rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Inoue, in view of Otsuki and further in view of Arima. Applicant respectfully traverses these rejections.

The dependent claims 7-14 and 17 incorporate all the novel and nonobvious features of their base claim 1. For *at least* the reasons already discussed above, Inoue fails to teach or suggest all the recitations of claim 1. Moreover, neither Otsuki, nor Arima remedy the deficient teachings of Inoue. Accordingly, the dependent claims 7-14 and 17 are patentable over the cited references *at least* by virtue of their dependency and Applicant respectfully requests that the Examiner withdraw these rejections.

VIII. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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